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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/534,006

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Ronan Dif

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12/01/2009

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EXAMINER

YANG, JIE

ART UNIT

PAPER NUMBER

1793

MAIL DATE

DELIVERY MODE

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/534,006	Applicant(s) DIF ET AL.	
	Examiner JIE YANG	Art Unit 1793	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 August 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-19, 21-25 and 27-32 is/are pending in the application.
- 4a) Of the above claim(s) 11-19, 21-25 and 27-32 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-10, 33 and 34 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claims 1, 5, and 6 are amended; claims 11-19, 21-25, 27-32 are withdrawn as non-elected claims; and claims 1-10, 33, and 34 remain for examination.

Status of the Previous Rejection

The previous rejection of claim 5 under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention is withdrawn in view of the applicant's amendment filed in 8/10/2009.

Claim Objections

Claim 1 is objected to because of the following informalities: The equations in step c) of the instant claim 1 are believed including typo errors because they are different from the equations disclosed on page 8, lines 11-14 of step c) of the instant specification. Appropriate correction is required.

Claim Rejections - 35 USC § 112

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 1-10, 33, and 34 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject

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matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. In the instant case, the Applicant changes the open-end phrase “comprising” in the original claim 1 to the close-end phrase “consisting of” in the instant claim 1 without literal support because the original specification discloses the product emanating from step (e) further subject operation such as cold-rolling, aging, or cutting..., and/or to an additional heat treatment (Page 9, line 30 to Page 10, line 5 of the instant specification and refer to original claim 1). Therefore, the close-end phrase “consisting of” is recognized as a new matter for the instant application.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-6 and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cho (US 4,988,394, thereafter US'394) alone or in view of Wyatt-Mair et al (US 5,894,879, thereafter US'879).

US'394 is applied to claims 1-6, and 8 for the same reason as stated in the office actions of 4/24/2008, 10/28/2008, and 5/8/2009.

US'394 teaches the similar continuously casting, hot-rolling, warm-rolling and coiling for the similar aluminum alloy with overlapping composition ranges and the similar structure as recited in the instant invention, which is a prima facie case of obviousness. SEE MPEP 2144.05 I.

Still regarding the amended feature of "consisting of" in the instant claim 1, US'879 teaches a method for manufacturing an aluminum alloy sheet including a continuous, in-line sequence of forming a strip of aluminum alloy and rolling the strip to reduce its thickness (Abstract of US'879). US'879 teaches: "...aluminum alloy can body stock having desirable metallurgical properties by using, in one continuous sequence of steps, the steps of providing a hot aluminum alloy feedstock which is subjected to a series of rolling steps to rapidly and continuously cool the feedstock to the thickness and metallurgical properties without the need to employ an annealing step." (Fig.1 and Col.3, lines 21-35), which reads on the limitation of performing the on-line operation without any heat treatments being carried out separately as recited in "consisting of" steps a) to e) of the instant claim 1.

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Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to perform continuously rolling and cooling without annealing as demonstrated by US'879 in the process of US'394 because US'879 teaches such process can perform a continuous in-line process for economically and efficiently producing aluminum product (Col.1, lines 9-11 of US'879).

Claims 7, 8, and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over US'394 alone or in view of US'879, and further in view of Mohr et al (WO 92-03586, thereafter WO'586).

US'394 in view of WO'586 is applied to claims 7, 8, and 10 for the same reason as stated in the office actions of 4/24/2008, 10/28/2008, and 5/8/2009.

Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over US'394 alone or in view of US'879, and further in view of WO'586 and Saunders (NPL: The modeling of stable and metastable phase formation in multi-component A—alloys, in “Aluminum alloy, their physical and mechanical properties, Proc. ICAA9”, eds. J.F.Nie et al, (Inst. Materials Engineering Australia, Melbourn, 2004) pp.96-106, thereafter, NPL-1).

US'394 in view of WO'586 and NPL-1 is applied to claim 9 for the same reason as stated in the office actions of 4/24/2008, 10/28/2008, and 5/8/2009.

Claims 33 and 34 are rejected under 35 U.S.C. 103(a) as being unpatentable over US'394 in view of Wyatt-Mair et al (US 5,894,879, thereafter US'879).

US'394 in view of US'879 is applied to claims 33 and 34 for the same reason as stated in the office actions of 4/24/2008, 10/28/2008, and 5/8/2009.

Response to Arguments

Applicant's arguments, see "applicant arguments/remarks", filed 8/10/2009, with respect to the rejection(s) of claim(s) under 35 U.S.C. 103(a) have been fully considered but they are not persuasive. The arguments have related to the amended features in the instant claims, the Examiner's position is stated as above.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jie Yang whose telephone number is 571-2701884. The examiner can normally be reached on IFP.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Roy King can be reached on 571-2721244. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO

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Customer Service Representative or access to the automated information system, call
800-786-9199 (IN USA OR CANADA) or 571-272-1000.

JY

/Roy King/

Supervisory Patent Examiner, Art Unit 1793